

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANTHONY JOSEPH BELTRAN,

Petitioner,

v.

WARDEN JACQUEZ,

Respondent.

No. 3:23-cv-01888-JR

OPINION AND ORDER

BAGGIO, District Judge,

On August 13, 2024, Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F&R”) [ECF 11], recommending that this Court deny the Petition for Writ of Habeas Corpus [ECF 1] and enter a judgment of dismissal. Anthony Joseph Beltran (“Petitioner”) objected [ECF 16] and Warden Israel Jacquez (“Respondent”) responded [ECF 18]. This Court ADOPTS Judge Russo’s F&R [ECF 11].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however,

required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's F&R.

CONCLUSION

The Court ADOPTS Judge Russo's Findings and Recommendation [ECF 11]. Therefore, Petitioner's Petition for Writ of Habeas Corpus [ECF 1] is DENIED. The Court declines to issue a Certificate of Appealability on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 24th day of October, 2024.

Amy M. Baggio

AMY M. BAGGIO
United States District Judge